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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/592,907 | 06/13/2000 | David William Balsdon | 051481-5050 | 5487 |
| 9629 | 7590 | 08/23/2004 | EXAMINER | |
| MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 | | | | FOX, JOHN C |
| ART UNIT | | PAPER NUMBER | | |
| | | 3753 | | |

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|------------------------|--|
| | 09/592,907 | BALSDON, DAVID WILLIAM | |
| Examiner | Art Unit | | |
| John Fox | 3753 | | |

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION IS [REDACTED].

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Disposition of Claims

4) Claim(s) 7-16 and 21-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 7-16 and 21-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

This action is responsive to the communication filed July 21, 2004.

Claims 7-16 and 21-26 are rejected under 35 U.S.C. 103 as being unpatentable over Rosas et al in view of Kadner and further in view of Koch and Watson.

Rosas et al show the claimed valve having a molded cap portion 14 "snapped" to the valve portion 12. The connector 70/72 is read as being releasable in view of the well known nature of such connectors in wiring harnesses in engines. It is inherent that cap 14 is adapted to be snapped to an intake manifold. It is also inherent that the cap can be fitted to the valve with the connector 70/72 at any orientation. One definition of contiguous in the World Book Dictionary, 1978 edition, is "very close together; near; neighboring". Since the overmolded cap of Rosas et al is near the wire and bobbin, and encapsulates them both, the Rosas et al valve fairly responds to the new claim language.

Rosas et al do not show a second, reduced diameter portion of the valve head received in and "occluding" the aperture. Kadner shows a reciprocating valve with a second portion of reduced cross section occluding the aperture and including an O-ring to seal, which is reliable and long lasting. It would have been obvious for one of ordinary skill in the art to have used such a valve head and seal construction as taught by Kadner in the Rosas et al valve to improve the reliability and length of service of the valve thereof.

Rosas et al do not show the pin and pin calibration feature. Koch shows a solenoid valve with pin and pin calibration feature as claimed, *i. e.* two chambers, one housing the coil and valve and another housing the pin calibration means. It would have been obvious for one of ordinary skill in the art to have used such a pin and pin calibration feature as taught by Koch in the valve of Rosas et al to similarly provide for adjustment of the spring biasing force on the valve. It

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would further be obvious to dispose the biasing spring in the second chamber as shown by Koch to allow for the biasing adjustment.

Watson is applied as a teaching reference. Watson shows a solenoid valve with an overmolded cap forming two chambers, one housing the coil and another an adjustment mechanism similar to the spring adjustment of Koch. It is believed that the references fairly suggest the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to John Fox at telephone number 703-308-2595.



John Fox
Primary Examiner
Art Unit 3753

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